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| 10/700,822      | 11/04/2003  | Elmer Algin Rose     | 88030096            | 6250             |

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EXAMINER

GUSHI, ROSS N

ART UNIT PAPER NUMBER

2833

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/700,822

Applicant(s)

ROSE, ELMER ALGIN

Examiner

Ross N. Gushi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/20/05
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-12, 15, 16, 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2-12, 15, 16, 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/20/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/20/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims 2, 4, 5, 7, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Despard.

Per claim 2, Despard discloses (see attachment) an electrical device comprising a mounting yoke 32 for mounting said electrical device into an outlet box, where the

Art Unit: 2833

yoke comprises a slotted mounting hole (that portion of the slot where the shank 26 is located) for receiving a mounting screw, a channel leading into said slotted mounting hole (the hole and slot are collectively identified with reference numbers 40, 42, 140), ears 36, where the yoke is configured so that the surface of the yoke surrounding the perimeter of the slotted mounting hole lies in substantially the same plane.

Per claims 4, 5, the channel opens into the hole.

Per claim 7, said channel comprises two walls that are substantially parallel to each other.

Per claim 8, said channel comprises two walls that converge inward from an outer edge of said mounting yoke into said slotted mounting hole.

Per claim 11, the mounted device comprises a receptacle.

Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Eder. Per claim 15, Eder discloses an electrical device comprising a mounting yoke for mounting said electrical device into an outlet box; said mounting yoke comprises: slotted mounting hole 21 (see figure 2) for (i.e. capable of receiving) receiving a mounting screw; and score line 22 delineating a portion of the yoke that can be removed to form a channel that opens into said slotted mounting hole (where the portion of the slot remaining on the extension 16, 18, is capable of being used as the mounting hole), and ears 20. Per claim 16, the device includes a receptacle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2833.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Despard as in claim 2 in view of Glader. Despard does not use a screw with a support rim. Glader discloses a mounting screw comprising an elongated post, a head 20 positioned at one end of the elongated post and a support rim 24 positioned along the elongated post at a predetermined distance from said head and in a plane that is substantially parallel to the plane in which said head lies. At the time of the invention, it would have been obvious to use the screw as taught in Glader to mount the Despard device. The suggestion or motivation for doing so would have been to maintain good electrical contact with the yoke and to securely position the yoke a desired distance from the finished wall as taught in Glader (see e.g. Glader abstract).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Despard and Glader as in claim 19 in view of Slater.

Slater discloses a switch. At the time of the invention, it would have been obvious that the particular device could be various well known devices such as receptacles or switches as taught in Slater. The suggestion or motivation for doing so would have been to facilitate mounting of various devices, such motivation being well known in the art. The choice of what standard well known device to mount would have been a matter of engineering design choice.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eder as in claim 15 in view of Slater.

Eder does not show a switch. Slater discloses a switch. At the time of the invention, it would have been obvious that the particular device could be various well known devices such as receptacles or switches as taught in Slater. The suggestion or motivation for doing so would have been to facilitate mounting of various devices, such motivation being well known in the art. The choice of what standard well known device to mount would have been a matter of engineering design choice.

Claims 2, 6, 9, 10, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Glader in view of Slater. Glader discloses everything in claim 1 except for the ears. Slater discloses the well known plaster ears 20. At the time of the invention, it would have been obvious to include the well known plaster ears 20 as taught in Slater on the yoke of Glader. The suggestion or motivation for doing so would have been to assist in locating and holding the yoke against the surface of the wall as taught in Slater and as is well known in the art.

Per claim 6, said channel comprises a substantially enclosed opening.

Per claim 9, said channel is generally circular in shape (see figure 1, in particular at least the ends of the channels are circular).

Regarding claim 10, said Glader channel is configured so as to be large enough to accommodate the head of some mounting screw. At the time of the invention, it would have been obvious to use mounting screws of various sizes, including one where the head could be accommodated in the channel. The choice of which size mounting

Art Unit: 2833

screw would have been a matter of engineering choice, motivated by well known considerations such as availability of parts (i.e. it would have been obvious to substitute or use available bolts, including bolts having heads which could be accommodated in the channel.

Regarding claim 12, Glader discloses a receptacle. Slater discloses a switch. At the time of the invention, it would have been obvious that the particular device could be various well known devices such as receptacles or switches as taught in Slater. The suggestion or motivation for doing so would have been to facilitate mounting of various devices, such motivation being well known in the art. The choice of what standard well known device to mount would have been a matter of engineering design choice.

### ***Response to Arguments***

Applicants arguments have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

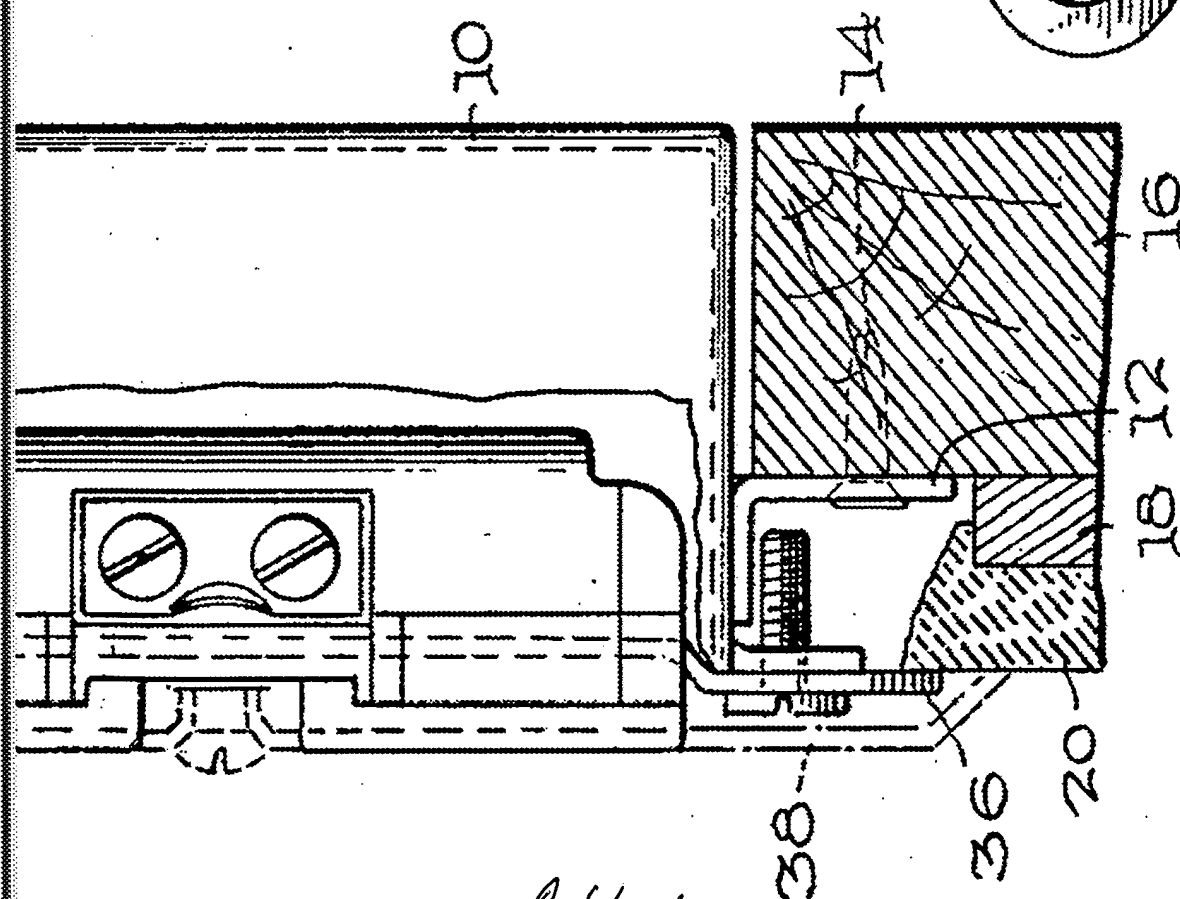
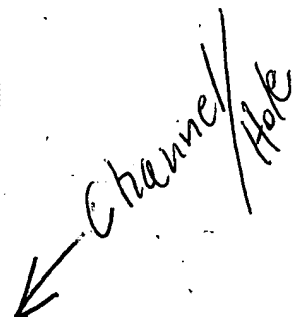
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

**ROSS GUSHI**  
**PRIMARY EXAMINER**





led Sept. 28, 1945



Attachement